|   | Application No.   | Applicant(s)   |
|---|---|--|
|   | 10/701,609  | USUI ET AL.  |
| Notice of Allowability  | Examiner  | Art Unit   |
|   | Ryan A. Jarrett   | 2125   |
| The MAILING DATE of this communication app<br>All claims being allowable, PROSECUTION ON THE MERITS IS<br>herewith (or previously mailed), a Notice of Allowance (PTOL-85)<br>NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R<br>of the Office or upon petition by the applicant. See 37 CFR 1.313  | ears on the cover sheet wi<br>(OR REMAINS) CLOSED in<br>) or other appropriate commits<br>(IGHTS. This application is s | th the correspondence address n this application. If not included unication will be mailed in due course. THIS         |
| 1. $\boxtimes$ This communication is responsive to <u>amendment filed 1/3</u>   | <u>1/05</u> .   |  |
| 2. The allowed claim(s) is/are <u>1-11</u> .  |   | •  |
| 3. X The drawings filed on <u>06 November 2003</u> are accepted by  | the Examiner.   |  |
| <ul> <li>4.  Acknowledgment is made of a claim for foreign priority una)  All b)  Some* c)  None of the: <ol> <li>1.  Certified copies of the priority documents have</li> <li>2.  Certified copies of the priority documents have</li> <li>3.  Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)).</li> </ol> </li> <li>* Certified copies not received:</li> </ul>                                     | e been received.<br>e been received in Applicatio   | on No  |
| Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.   |   | e a reply complying with the requirements  |
| 5. A SUBSTITUTE OATH OR DECLARATION must be subm<br>INFORMAL PATENT APPLICATION (PTO-152) which giv   |   |  |
| <ol> <li>CORRECTED DRAWINGS ( as "replacement sheets") must (a) including changes required by the Notice of Draftspers         <ul> <li>1) hereto or 2) to Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner Paper No./Mail Date</li> <li>Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the second of the sheet.</li> </ul> </li> </ol> | son's Patent Drawing Review  's Amendment / Comment on  1.84(c)) should be written on t                                 | r in the Office action of the drawings in the front (not the back) of  |
| 7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT  | osit of BIOLOGICAL MAT<br>FOR THE DEPOSIT OF BIO  | ERIAL must be submitted. Note the DLOGICAL MATERIAL.   |
| Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/C Paper No./Mail Date  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  | 6. ☐ Interview S<br>Paper No.<br>08), 7. ☒ Examiner's   | formal Patent Application (PTO-152) ummary (PTO-413), 'Mail Date Amendment/Comment  Statement of Reasons for Allowance |
|   |   |  |

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In claim 6 line 1, "claim 1." was replaced with --claim 1,--

In claim 11 line 10, "in such" was deleted.

In claim 11 line 11, "to contain" was replaced with --so as--.

## Allowable Subject Matter

- 3. Claims 1-11 are allowed.
- 4. The following is an examiner's statement of reasons for allowance:

The prior art of record (Magario) does not designate a sample zone from the displayed actual values. Instead, Magario determines a sample range and then displays that sample range. Once the sample range is displayed, Magario makes no further designation of a zone or range. It is the lack of this teaching, in combination with the remaining features and elements of the claimed invention, which forms the basis of the reasons for allowance.

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Conclusion

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5. Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-

3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

L-P.P.

Ryan A. Jarrett Examiner

Art Unit 2125

2/17/05

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100